LeMond Cycling, Inc. v. Trek Bicycle Corporation

Doc. 158 Att. 3

Exhibit 4

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April 30, 2009

VIA E-MAIL AND U.S. MAIL

Kristal S. Stippich, Esq.
Gass Weber Mullins LLC
309 North Water Street
Milwaukee, WI 53202

Re: *LeMond Cycling, Inc. v. Trek Bicycle Corporation*
Case No. 08-CV-01010 (RHK/JSM)
Our File No.: 123595.0000

Dear Ms. Stippich:

Frankly I am puzzled by your letter of yesterday's date. You repeatedly refer to withheld "tapes." We have withheld only one recording, the genesis of which we have explained to you and Mr. Weber several times. As I indicated in my letter of April 28, when I am back in the office I will contact you regarding our decision about whether we will agree to produce the recording or submitting it to Magistrate Mayeron for an *in camera* review barring any broader waiver of privilege. While I appreciate your diligence in researching and quoting directly from the depositions of Mr. and Mrs. LeMond, I am aware of their testimony, and your sixteen-page letter does not change our stance. As we have previously stated, the recording was between Mr. LeMond and Betsy Andreu, and was done at the request of Mr. LeMond's attorney, Mr. Bluming--who participates in a large portion of the call. If we determine that we will not agree to production of the recording, then we will provide this information in a revised privilege log, however, we will not change LeMond Cycling Inc.'s Answer to Interrogatory No. 4, as it is sufficient under the Federal Rules.

I will contact you regarding your remaining your requests when I am back in the office.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Jennifer M. Robbins

Jennifer M. Robbins

JMR/bsb
cc: Ralph A. Weber, Esq.

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